

Committee Room,
Austin, Texas, January 30, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 103, A bill to be entitled "An Act to authorize the construction of and make an appropriation for the construction of a main building, chemical laboratory building, dormitory and power house for the School of Mines of the State of Texas, located in El Paso, Texas, and to make an appropriation of all funds collected from insurance on the burned buildings of said School of Mines for said purpose, and for furnishing, equipping and maintaining said School of Mines, and declaring an emergency,"

And find the same correctly engrossed.
DENTON, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 289, A bill to be entitled "An Act providing for the return of pension warrants where the pensioner dies during the quarter for which the warrant was issued, the cancellation of the same, and the issuance of a mortuary warrant to pay the funeral expenses of the deceased pensioner, etc., and declaring an emergency,"

And find the same correctly engrossed.
DENTON, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 296, A bill to be entitled "An Act providing for the election of county school trustees; defining the term of office thereof; stating the manner of having the names of candidates placed on the official ballot; fixing the date of said election, and providing who shall participate in said election; repealing all laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.
DENTON, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 127, A bill to be entitled "An Act to render unlawful the issue of road warrants or other evidence of indebtedness, except bonds as provided in Article 605 of the Revised Civil Statutes of Texas, for the purpose of laying out, constructing, maintaining or repairing any road or bridge, unless the same be payable during the current year for which it is issued, and not in excess of the amount that can be paid out of the current funds of the county for such year,"

And find the same correctly engrossed.
DENTON, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 46, A bill to be entitled "An Act to establish a branch of the Agricultural and Mechanical College of Texas in that portion of Western Texas lying west of the 98th meridian and north of the 30th parallel; providing for the location of such College, its government, and the control of its finances; defining its leading objects and prescribing generally the nature and scope of instruction to be given; providing for the instruction of all students of such College in military science and for the military discipline of all students; conferring upon the board of directors of said College the right of eminent domain; making necessary appropriations for the location, establishment and maintenance of said College, and declaring an emergency,"

And find the same correctly engrossed.
DENTON, Chairman.

EIGHTEENTH DAY.

(Wednesday, January 31, 1917.)

The House met at 10 o'clock a. m. and was called to order by the Speaker.

HOUSE BILL NO. 103 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 103, A bill to be entitled "An Act to authorize the construction of and make an appropriation for the construction of a main building, chemical laboratory building, dormitory and power house for the School of Mines of the State of Texas, located at El Paso, Texas, and to make an appropriation of all funds collected from insurance on the burned buildings of said School of Mines for said purpose, and for furnishing, equipping and maintaining said School of Mines, and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—120.

Mr. Speaker.	Hill.
Bagby.	Holland.
Baker.	Hudspeth.
Beard of Harris.	Laas.
Beard of Milam.	Laney.
Beasley.	Lange.
Beason.	Lanier.
Bedell.	Lee.
Bell.	Lindemann.
Blackburn.	Lowe.
Blackmon.	of McMullen.
Bland.	McComb.
Bledsoe.	McCoy.
Boner.	McDowra.
Brown.	McFarland.
Bryan.	McMillin.
Bryant.	Martin.
Butler.	Meador.
Cadenhead.	Mendell.
Canales.	Metcalfe.
Carlock.	Moore.
Cates.	Morris.
Cope.	Murrell.
Cox.	Neeley.
Crudgington.	Nordhaus.
Davis of Dallas.	O'Banion.
Davis of Grimes.	O'Brien.
Davis	Osborne.
of Van Zandt.	Parks.
De Bogory.	Peddy.
Dodd.	Peyton.
Dudley.	Pillow.
Dunnam.	Poage.
Estes.	Pope.
Fairchild.	Raiden.
Fisher.	Reeves.
Fitzpatrick.	Richards.
Florer.	Robertson.
Fly.	Rogers.
Greenwood.	Russell.
Haidusek.	Sackett.
Hardey.	Sallas.
Harris.	Sentell.
Hawkins.	Schlesinger.

Schlosshan.	Tillotson.
Scholl.	Tilson.
Seawright.	Trayler.
Sholars.	Tschoepe.
Smith of Bastrop.	Upchurch.
Smith of Hopkins.	Valentine.
Smith of Scurry.	Veatch.
Spencer of Nolan.	Wahrmund.
Spencer of Wise.	Walker.
Spradley.	White.
Stewart.	Williams
Swope.	of Brazoria.
Taylor.	Williams
Templeton.	of McLennan.
Thomas.	Williford.
Thomason	Wilson.
of El Paso.	Woods.
Thompson	Woodul.
of Red River.	Yantis.

Nays—4.

Bertram.	Neill.
Lacey.	Tinner.

Present—Not Voting.

Burton of Tarrant.

Absent.

Burton of Rusk.	Miller of Austin.
Denton.	Nichols.
Hartman.	Roemer.
Jones.	

Absent—Excused.

Blalock.	Strayhorn.
Clark.	Terrell.
Johnson.	Thomason
Low	of Nacogdoches.
of Washington.	Thompson
Miller of Dallas.	of Hunt.
Monday.	

Mr. Dudley moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 111 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 111, A bill to be entitled "An Act to regulate, control and license pool halls and billiard halls in the State of Texas, and to provide for bond of the keepers of such halls before license will be issued, and making it a misdemeanor to operate such halls without complying with the terms thereof, and providing punishment for running or operating such halls without first obtaining a license, to repeal Chapter 74 of the General Laws of Texas of the Thirty-third Legislature passed in 1913."

The bill was read third time.
Mr. Lee offered the following amendment to the bill:

Amend House bill No. 111 by striking out "\$20" in line 23, page 4, Section 8, and inserting in lieu thereof "\$50."

Signed—Lee, Baker.

On motion of Mr. Williams of McLennan, the amendment was tabled.

Mr. Butler offered the following amendment to the bill:

Amend House bill No. 111 by adding at the end of Section 9 the following: "Provided, that the provisions of this act shall not apply or be in force in any county in which pool halls have been legally prohibited by a vote of the people of such county under an act of the Thirty-third Legislature, providing for an election on such question."

Mr. Williams of McLennan moved to table the amendment, and the motion to table was lost.

The amendment was lost.

Mr. Thompson of Red River offered the following amendment to the bill:

Amend by striking out Section 10.

Mr. Williams of McLennan moved to table the amendment, and the motion to table was lost.

Mr. Williams of McLennan moved the previous question on the amendment, and the main question was ordered.

Question then recurring on the amendment by Mr. Thompson of Red River, yeas and nays were demanded.

The amendment was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—77:

Baker.	De Bogory.
Beard of Milam.	Dodd.
Beasley.	Estes.
Bedell.	Fairchild.
Bell.	Fitzpatrick.
Bertram.	Florer.
Blackburn.	Hawkins.
Blackmon.	Hill.
Bledsoe.	Hudspeth.
Boner.	Lacey.
Brown.	Laney.
Bryan.	Lange.
Burton of Rusk.	Lee.
Butler.	McComb.
Cadenhead.	McCoy.
Cope.	McDowra.
Cox.	McMillin.
Crudgington.	Meador.
Davis of Dallas.	Morris.
Davis	Murrell.
of Van Zandt.	Neeley.

Neill.	Spencer of Wise.
Nichols.	Spradley.
Osborne.	Stewart.
Parks.	Taylor.
Peddy.	Thomas.
Peyton.	Thompson
Raiden.	of Red River.
Reeves.	Tillotson.
Richards.	Tilson.
Rogers.	Tinner.
Russell.	Trayler.
Sentell.	Upchurch.
Schlosshan.	Veatch.
Seawright.	White.
Sholars.	Williford.
Smith of Bastrop.	Wilson.
Smith of Hopkins.	Woods.
Smith of Scurry.	Yantis.
Spencer of Nolan.	

Nays—48.

Bagby.	Mendell.
Beard of Harris.	Metcalfe.
Beason.	Moore.
Bland.	Nordhaus.
Burton of Tarrant.	O'Banion.
Canales.	O'Brien.
Carlock.	Pillow.
Cates.	Poage.
Davis of Grimes.	Pope.
Dudley.	Robertson.
Dunnam.	Roemer.
Fisher.	Sackett.
Fly.	Sallas.
Greenwood.	Schlesinger.
Haidusek.	Swope.
Hardey.	Thomason
Harris.	of El Paso.
Holland.	Tschoepe.
Jones.	Valentine.
Laas.	Wahrmund.
Lanier.	Walker.
Lindemann.	Williams
Lowe	of Brazoria.
of McMullen.	Williams
McFarland.	of McLennan.
Martin.	Woodul.

Absent.

Bryant.	Scholl.
Hartman.	Templeton.
Miller of Austin.	

Absent—Excused.

Blalock.	Monday.
Clark.	Strayhorn.
Denton.	Terrell.
Johnson.	Thomason
Low	of Nacogdoches.
of Washington.	Thompson
Miller of Dallas.	of Hunt.

Question next recurring on the final passage of the bill, yeas and nays were demanded.

The House refused to pass the bill by the following vote:

Yeas—60.

Bagby.	McFarland.
Beard of Harris.	Mendell.
Beason.	Metcalfe.
Bedell.	Moore.
Blackburn.	Nordhaus.
Bland.	O'Banion.
Bryant.	Parks.
Burton of Tarrant.	Pillow.
Canales.	Poage.
Carlock.	Pope.
Cates.	Robertson.
Cox.	Roemer.
Crudgington.	Sackett.
Dudley.	Sallas.
Dunnam.	Sentell.
Fisher.	Schlesinger.
Fly.	Smith of Bastrop.
Greenwood.	Spradley.
Haidusek.	Swope.
Hardey.	Taylor.
Harris.	Thomason
Hawkins.	of El Paso.
Holland.	Tillotson.
Jones.	Tschoepe.
Laas.	Valentine.
Laney.	Wahrmund.
Lange.	Walker.
Lanier.	Williams
Lindemann.	of Brazoria.
Lowe	Williams
of McMullen.	of McLennan.
McCoy.	Woodul.

Nays—64.

Baker.	McMillin.
Beard of Milam.	Martin.
Beasley.	Meador.
Bell.	Morris.
Bertram.	Murrell.
Blackmon.	Neeley.
Bledsoe.	Neill.
Boner.	Nichols.
Brown.	O'Brien.
Bryan.	Osborne.
Burton of Rusk.	Peddy.
Butler.	Peyton.
Cadenhead.	Raiden.
Cope.	Reeves.
Davis of Dallas.	Richards.
Davis	Rogers.
of Van Zandt.	Russell.
De Bogory.	Schlosshan.
Dodd.	Seawright.
Estes.	Sholars.
Fairchild.	Smith of Hopkins.
Fitzpatrick.	Smith of Scurry.
Florer.	Spencer of Nolan.
Hudspeth.	Spencer of Wise.
Lacey.	Stewart.
Lee.	Thomas.
McComb.	Thompson
McDowra.	of Red River.

Tilson.	White.
Tinner.	Williford.
Traylor.	Wilson.
Upchurch.	Woods.
Veatch.	Yantis.

Absent.

Davis of Grimes.	Miller of Austin.
Denton.	Scholl.
Hartman.	Templeton.
Hill.	

Absent—Excused.

Blalock.	Strayhorn.
Clark.	Terrell.
Johnson.	Thomason
Low	of Nacogdoches.
of Washington.	Thompson
Miller of Dallas.	of Hunt.
Monday.	

Reason for Vote.

I vote "yea" because I am of the opinion that the Court of Criminal Appeals as now constituted will reverse itself, and if so, there would be no adequate law on this subject.

PARKS.

Verification of Vote.

Mr. Williams of McLennan called for a verification of the vote by which the House refused to pass the bill.

The Clerk was directed to call the roll of those recorded as voting "yea."

The roll of "yeas" was called and found correct as first announced.

The Clerk was then directed to call the roll of those recorded as voting "nay."

The roll of "nays" was called and found correct as first announced.

The verified vote stood, as first announced: Yeas, 60; nays, 64.

Mr. Neeley moved to reconsider the vote by which the House refused to pass the bill, and asked to have the motion to reconsider spread upon the Journal.

Mr. Cope called up the motion to reconsider, and moved to lay it on the table.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—36.

Baker.	Cadenhead.
Beard of Milam.	Cope.
Bertram.	Davis
Boner.	of Van Zandt.
Bryan.	Dodd.
Burton of Rusk.	Estes.
Butler.	Fitzpatrick.

Florer.	Raiden.
Lacey.	Reeves.
Lee.	Russell.
McDowra	Schlosshan.
McMillin.	Seawright.
Meador.	Stewart.
Morris.	Tinner.
Murrell.	Trayler.
Neill.	White.
O'Brien.	Williford.
Osborne.	Woods.
Peyton.	

Nays—88.

Bagby.	Nordhaus.
Beard of Harris.	O'Banion.
Beasley.	Parks.
Beason.	Peddy.
Bedell.	Pillow.
Bell.	Poage.
Blackburn.	Pope.
Blackmon.	Richards.
Bland.	Robertson.
Brown.	Roemer.
Bryant.	Rogers.
Burton of Tarrant.	Sackett.
Canales.	Sallas.
Carlock.	Sentell.
Cates.	Schlesinger.
Cox.	Scholl.
Crudgington.	Sholars.
Davis of Dallas.	Smith of Bastrop.
De Bogory.	Smith of Hopkins.
Dudley.	Smith of Scurry.
Dunnam.	Spencer of Nolan.
Fairchild.	Spencer of Wise.
Fisher.	Spradley.
Fly.	Swope.
Greenwood.	Taylor.
Haidusek.	Templeton.
Hardey.	Thomas.
Harris.	Thomason
Hawkins.	of El Paso.
Hill.	Thompson
Holland.	of Red River.
Hudspeth.	Tillotson.
Jones.	Tilson.
Laas.	Tschoepe.
Laney.	Upchurch.
Lange.	Valentine.
Lanier.	Veatch.
Lindemann.	Wahrmund.
Lowe	Walker.
of McMullen.	Williams
McFarland.	of Brazoria.
Martin.	Williams
Mendell.	of McLennan.
Metcalfe.	Wilson.
Moore.	Woodul.
Neeley.	Yantis.
Nichols.	

Present—Not Voting.

McComb.

Absent.

Bledsoe.

Davis of Grimes.

Denton.	McCoy.
Hartman.	Miller of Austin.

Absent—Excused.

Blalock.	Strayhorn.
Clark.	Terrell.
Johnson.	Thomason
Low	of Nacogdoches.
of Washington.	Thompson
Miller of Dallas.	of Hunt.
Monday.	

HOUSE BILL NO. 2 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 2, A bill to be entitled "An Act to establish a State Highway Department, creating a State Highway Commission and the office of State Highway Engineer; prescribing the duties of the members of the Commission and of the Engineer, and fixing the compensation of each; prescribing reciprocal duties for the Commission and for the commissioners courts; directing the Commission to plan and adopt a comprehensive system of State highways, and to promote the construction thereof by co-operation with the counties and by the Commission; authorizing a policy of State aid to counties in road construction, and to the inauguration of a plan of rewards to the counties for the construction of the more durable types of highways; directing co-operation of the department with the Federal government in the utilization of any funds appropriated by Congress in aid of road construction in this State; authorizing the working of State prisoners on State highways under conditions that may be agreed upon by the Highway Commission and the Prison Commission and approved by the Governor; providing for the support of the department by State registration of all motor vehicles and motorcycles, and for the distribution to the counties of a part of the moneys received from such registration fees; providing for the furnishing of identification numbers to motor vehicles and motorcycles and prescribing penalties for the violation of the provision for registration and identification of such vehicle; making an appropriation to inaugurate the work of the department as provided in this act, and declaring an emergency."

The bill was read second time.

Mr. Tillotson offered the following (committee) amendment to the bill:

Amend the bill (House bill No. 2) by striking out everything after the enacting clause and insert the following:

Section 1. There is hereby created a department of the public service of the State, to be known as the State Highway Department, the administrative control of which shall be vested in the members of the State Highway Commission and the State Highway Engineer hereinafter provided for in this act. The said department shall be furnished with adequate office room at the State Capitol, which office shall be the repository of all records of the department.

Sec. 2. The Governor shall, within sixty days after this act becomes effective, by and with the advice and consent of the Senate, appoint three citizens of the State as a Board of Highway Commissioners, hereinafter referred to as the State Highway Commissioners or the Commissioners. One of the Commissioners shall serve until January 31, 1919, one shall serve until January 31, 1921, and the other shall serve until January 31, 1923, and the Governor, in making appointments, shall designate which of the appointees shall serve for the respective term. The term of office of members of the Commission shall be for a period of six years, except as herein provided, and subsequent appointments upon the State Highway Commission by the Governor shall be for six years. All vacancies in the membership of the Commission shall be filled in the same manner as is prescribed for the original appointment.

Sec. 3. The Governor, in making the appointments of Highway Commissioners shall designate one as chairman of the Commission, who shall receive a salary of four thousand (\$4000) dollars per year; and the two other members shall receive an annual salary of two thousand five hundred (\$2500) dollars each. The duties of the chairman of the Commission shall be those of general executive of the State Highway Department in the administration of the law in accordance with the rules, policies and plans adopted by the Commission. The chairman of the Commission shall reside at the State Capitol and give his entire time to the service of the department. The duties of the two other members of the Commission shall be such as the administration of the provisions of this act require; attendance upon all regular meetings of the Commission as provided in this act and such special

meetings as the rules that may be adopted by the Commission for its guidance shall provide or that may be called by the chairman of the Commission. The Commission shall formulate plans and policies for the location, construction and maintenance, in co-operation with the counties of the State, or under the direct supervision and control of the State Highway Department, of a comprehensive system of State highway and public roads. The members of the Commission shall be allowed actual and necessary traveling expenses incurred while in the performance of duties away from home. Two members of the Commission shall constitute a quorum necessary to the transaction of business. Regular meetings of the Commission shall be held once each month at the State Capitol. Biennially a report of the work of the Commission shall be submitted to the Governor and to the Legislature, together with the recommendation of the Commission and the recommendations of the State Highway Engineers.

Sec. 4. Each member of the State Highway Commission shall file his oath of office with the Secretary of State and execute a bond payable to the State of Texas, to be approved by the Governor, conditioned upon the faithful discharge of duty in office, the chairman of the Commission in the sum of twenty-five thousand (\$25,000) dollars, and two other members of the Commission in the sum of fifteen thousand (\$15,000) dollars each.

Sec. 5. As soon as practicable after their qualifications for office the State Highway Commission shall elect a State Highway Engineer, who shall be a competent civil engineer, experienced and skilled in highway construction and maintenance, and who shall receive an adequate salary, in the discretion of the Commission, and shall be allowed actual traveling and other expenses while absent from the State Capitol in the performance of duty; and who shall hold his position until removed by the Commission. Before entering upon his duties, the State Highway Engineer shall execute a bond payable to the State of Texas in such sum as in the judgment of the Commission may be necessary, conditioned upon the faithful performance of his duties, such bond to be approved by the Commission and filed with the Secretary of State. The Highway Engineer shall act with the Highway Commission in an advisory capacity, without vote, and he shall submit reports to the Commission quarterly, annually and biennially, setting forth the

progress of public roads construction in detail, under the direction of the department, as provided in this act.

Sec. 6. The State Highway Commission shall establish and make public proclamation of all rules and regulations for the conduct of the work of the department as may be deemed necessary, not inconsistent with the provisions of this act; and the department shall maintain a record of all proceedings and official orders and keep on file copies of all road plans, specifications and estimates, prepared by the department or under its direction.

Sec. 7. The State Highway Commission shall collect information and compile statistics relative to the mileage, character and condition of the public roads in the different counties of the State, and the cost of construction of the different classes of roads in the various counties. It shall investigate and determine the method of road construction best adapted to the different sections of the State, and shall establish standards for the construction and maintenance of highways, bridges and culverts, giving due regard to all natural conditions, and to the character and adaptability of road building material in the different counties. The department may, at all reasonable times, be consulted by county and city officials for any information or assistance it can render with reference to the highways within such counties or cities, and it shall be the duty of the State Highway Department to supply such information when called for by county or city officials; and it may call upon all such officials for any information necessary to the performance of its duties under this act. Upon request of the commissioners court of any county, the State Highway Department shall consider and advise concerning the general plans and specifications for all road construction to be undertaken from the proceeds of the sale of bonds or other legal obligations issued by a county, or by any subdivision or defined district of any county; and it shall be the duty of the commissioners court, county road superintendent or official acting under the authority of the commissioners court, to obtain all the available information and advice from the office of the State Highway Department relative to the road construction and maintenance suitable to the county, political subdivision or defined district in which such roads are to be constructed before any of the proceeds from such bond issue are ex-

pendent by, or under the direction of the commissioners court.

Sec. 8. The State Highway Department shall adopt such rules as are found necessary to determine the fitness of engineers making application for highway construction work and upon the formal application of any county or organized road district thereof, or of any municipality, the Commission may recommend for appointment a competent civil engineer skilled in the knowledge of highway construction and maintenance.

Sec. 9. The State Highway Engineer shall, as soon as possible after qualification for duty, cause to be made and kept in form convenient for examination in the office of the department a complete road map of the State as represented in the road construction of the various counties, and shall be regularly revised as construction proceeds in different counties.

Sec. 10. The commissioners court of each county in the State within six months after this act becomes effective, shall have prepared county road maps in duplicate showing the approximate location of all public roads within the county. Such county map shall further show the location at the county of connecting county roads of all adjoining counties, or in the absence of such connecting roads, the commissioners court shall submit a statement setting forth the public importance of such connecting roads in such adjoining county or counties. The commissioners court of each such county also shall designate such of the roads in the said county as would, in the judgment of the court, represent part of an adequate system of State highways to the various market and business centers of the State, and connect such principal traffic centers. One of the said county maps shall be filed in the office of the county clerk of each county, and the other map, duly certified by the commissioners court, shall be filed with the State Highway Department. The county commissioners court shall, at the time of filing such county map, furnish the State Highway Department a statement of the location in such county, estimated extent and availability of all materials deemed suitable for the building of roads. Should the commissioners court of any county for any reason fail to provide such map and information to the State Highway Department within the time specified, the State Highway Engineer shall have such map and information of such county prepared under his supervision, and the Commission

shall be empowered to deduct the expenses thereof from the first allotment of funds to such county to accrue from registration fees of motor vehicles under the provision of this act. Should the public roads of any two adjoining counties representing a necessary part of the system of State highways, as designated by the State Highway Department in accordance with the provisions of this act, fail to connect, the State Highway Engineer shall make or cause to be made, an investigation in the respective counties and report to the Commission, which shall notify the commissioners court of such county or counties of what is necessary to complete the connection of such State highways, and if such county or counties shall fail to make or complete such connections on roads which constitute a part of the system of State highways within six months after notice has been given by the State Highway Department, the Commission shall be empowered to direct the State Highway Engineer to complete such connection, the expense of maintenance thereafter to devolve upon such county or counties.

Sec. 11. The State Highway Engineer shall prepare, under the direction and with the approval of the Commission, a comprehensive plan providing a system of State highways, and it shall be the duty of the Commission to advance the construction of such State highways in co-operation with the counties of the State or under the direction, supervision and control of the State Highway Department as the necessary funds for construction may be available; provided, that first consideration shall be given to the construction of trunk roads traversing the State and connecting the principal market and business centers, and the maintenance of such roads, as they may be constructed by the State Highway Department in any county shall, unless otherwise directed by the State Highway Commission in pursuance of the provisions of this act, devolve upon the county, under plans to be approved by the State Highway Engineer. A copy of such plans of State highways shall be furnished by the department to each county commissioners court in the State, to be displayed in the office in which the road records of the county are kept.

Sec. 12. Whenever the commissioners court of any county shall desire and is prepared to construct one or more miles of public road constituting a part of the system of State highways as designated by the department, such court

may make application for an allotment of State aid from the State highway funds, and if such application is accompanied by plans, profiles and estimates prepared in accordance with the requirements of the State Highway Engineer, the Commission shall file such application in the order in which it is received; and when such roads shall be constructed according to specifications and under the supervision of the Highway Engineer, the Commission shall make an allotment of aid from any moneys available in the State highway fund, not to exceed one-fourth of the cost of construction; provided, such State aid may not be expended to aid in constructing more than ten miles of road in any county during any one year. In counties in which the assessed valuation of property, in the judgment of the Commission, does not warrant the construction of sections of the system of the State highways necessary to provide the State with trunk roads, or to connect market centers of the State as provided in this act, the Commission may, in its discretion, increase such allotment of State aid not to exceed one-half the cost of constructing not more than ten miles of such part of the system of State highways in each of such counties in one year. All such parts of the system of State highways that may be constructed with State aid, as provided in this section, shall be maintained at the expense of the county in which such part of the highway is located in accordance with the plans approved by the State Highway Department; and failure to maintain such sections of State highway shall forfeit any further State aid until such maintenance work shall have been done. To encourage the construction by counties, either alone or through State aid as provided in this section of this act, of the more durable types of roads, the Commission may formulate rules under which the department will, upon the recommendation of the State Highway Engineer, assume the engineering supervision of maintenance, or assume such part of the expense of maintaining such sections of the system of State highways as, in its judgment, have been constructed of material and in a manner to render the assumption of such responsibility for maintenance advisable under the provisions of this act.

Sec. 13. The State Highway Department may establish and maintain a laboratory for the analysis and testing of road materials at such place as may be designated by the State Engineer and

approved by the Commission, and the laboratories of State institutions may be used for such purposes. The chairman of the Commission, upon the recommendation of the State Highway Engineer, shall purchase all necessary engineering instruments and materials required in the administration of this act, and with the approval of the Commission, the chairman shall have authority to employ all clerical and other assistance necessary to carry out the provisions of this act, and shall pay such labor the reasonable and customary price per day, month or year for the class of work performed.

Sec. 14. The labor of State prisoners may be utilized in construction of maintenance work on any road designated by the State Highway Department as forming a part of the system of State highways, upon such terms as may be agreed upon by the State Highway Commission and the State Prison Commission, and approved by the Governor of Texas.

Sec. 15. Any funds for public road construction in the State of Texas appropriated by the United States government shall be expended by and under the supervision of the State Highway Department only upon a part of the system of State highways.

Sec. 16. In order to provide funds to effectuate the provisions of this act, on and after the first day of July, 1917, and annually thereafter on and after the first day of January, every owner of one or more motorcycles or motor vehicles in this State shall file in the office of the State Highway Department, on a blank provided by the department, application for registration for each motorcycle or motor vehicle owned or controlled by him. Such application for registration shall state the name of the owner and his address and such brief description of such motorcycle or motor vehicle to be registered by him as may be prescribed by the State Highway Department. Each application shall be accompanied by the requisite fee for semi-annual or annual registration as provided for in this act, which registration fee shall be for each motorcycle three (\$3.00) dollars, and for each motor vehicle the registration fee shall be thirty-five cents per horsepower as determined by the standard gauging power employed by the Association of Licensed Automobile Manufacturers; but no such motor vehicle shall be registered for a less sum than seven dollars and fifty cents (\$7.50). The term "motorcycle" shall include only those motor vehicles

with or without pedals and saddles and with the driver sitting astride. The term "motor vehicle" shall include all vehicles propelled by mechanical power.

Sec. 17. Upon the receipt of an application for registration of a motor vehicle or motorcycle, accompanied by the proper fee, as hereinbefore provided for, the State Highway Department shall cause such motor vehicle or motorcycle to be registered in a registration book or card index kept for that purpose, and without additional charge shall cause to be furnished the owner of each motor vehicle or motorcycle so registered a certificate of registration, which certificate shall be in the form of a card, which may be carried in the pocket and which certificate shall contain the descriptive number so assigned to the owner of each motor vehicle or motorcycle so registered, stating the name and address of the owner and a brief description of such motor vehicle or motorcycle, together with the name of the manufacturer and the horsepower motor power, and such certificate shall at all times be carried upon such motor vehicle or motorcycle and subject to examination upon demand of the proper officer; and the department, without additional charge shall also cause to be issued to the owner of such motor vehicle a distinguishing seal of aluminum or other suitable material, of such size and form as the Commission shall determine, having stamped thereon the words "Registered Motor Vehicle, Texas" with the year of issue inserted therein, which seal shall be of a distinctly different color for each calendar year, and shall be conspicuously displayed on the radiator of such motor vehicle, or on the front of such motorcycle, and there shall be at all times a marked contrast between the color of the letters and the figures and the background of the seal; provided, however, the same combination of colors may be repeated after five years. Provided further, that road rollers and other road building equipment owned and operated by municipalities, counties or subdivisions of counties, street sprinklers, fire engines or apparatus; patrol wagon, ambulances owned by municipalities or counties, motor vehicles owned and operated under the direction and exclusively in the official services of the United States government, State of Texas, or any county or city thereof, shall not be required to pay the fees herein stipulated for motor vehicles, but application shall be made for and a registration number secured for such motor vehicles, and each year

application for the distinguishing seal provided by the department for that year shall be made.

Sec. 18. On and after July 1, 1917, every motor vehicle, except motorcycles, shall at all times, while being used or operated upon the public highways of this State, have displayed in a conspicuous place and manner, both upon the front and rear of such motor vehicle, a plate or marker, bearing the registration number assigned such motor vehicle by the State Highway Department, and each operator of a motorcycle shall, in like manner, have displayed upon his machine one plate or marker, bearing the registration number of such motorcycle; and the State Highway Commission shall furnish such number plates without charge for the first registration, and plates that may have to be replaced shall be at the expense of the owner of such motor vehicle or motorcycle. Such motor vehicles and motorcycles shall at all times display the distinguishing seal to be provided by the department for each year, and the said number plates and the seal shall conform to such requirements as may be prescribed by the department.

Sec. 19. The first registration of motor vehicles and motorcycles herein provided for shall become effective on the first day of July, 1917, and shall be for the one-half year ending December 31, 1917. Each and every person owning a motor vehicle or motorcycle in this State on July 1, 1917, or who shall purchase or assume control of a motor vehicle or motorcycle in this State subsequent to July 1, 1917, and before December 31, 1917, shall immediately file an application for registration with the State Highway Department, and such registration shall be effective from the day of the filing of such application and shall expire the following 31st day of December, 1917; and all such applications for registration made prior to the 31st day of December, 1917, shall be required to pay one-half the annual fees required by the provisions of this act. Thereafter, registrations shall begin with the first day of January of each year and end with the 31st day of December, and all applications for registration of motorcycles or motor vehicles filed on and after January 1, and before June 30th of any year, shall be required to pay the annual fee, and all applications for registration filed on and after July 1 and before December 31 of any year shall pay one-half of the annual registration fee.

Sec. 20. When any person, other than

a dealer, sells a vehicle embraced in this act, he shall endorse upon his certificate of registration a written transfer of the same and the purchaser of such motor vehicle shall send the State Highway Department a notification of such transfer with the name and address in full of such purchaser, together with the transfer fee of one (\$1.00) dollar, and the department shall enter upon its books the fact of such transfer and the name and address of the purchaser, who shall be regarded as the owner thereof and amenable to the provisions of this act.

Sec. 21. Any manufacturer of, or dealer in, motor vehicles in this State may, in lieu of registering each machine he may wish to show or demonstrate on the public highways, apply for registration and secure a general distinguishing number, which may be attached to any motor vehicle or motorcycle he sends temporarily upon the road. The annual fee for such dealer's registration of a general distinguishing number shall be fifteen (\$15) dollars, and additional numbers desired by any dealer, not exceeding five will be assigned and registered for a fee of five (\$5.00) dollars each. All the other provisions of this act shall apply in case of dealer's registration.

Sec. 22. Motor vehicles owned by citizens of other States temporarily in this State will be exempt from the provisions of this act for a period of ninety days, if they show the State Highway Department that they have complied with similar laws of some other State, or of a municipality of another State, providing adequate identification of such motor vehicle or motorcycle. Provided, however, that if such citizen of another State shall remain in Texas longer than thirty days he shall execute authority to the chairman of the State Highway Commission to accept service in his behalf in any action that may be brought against him in the courts of this State because of the use in this State of such motor vehicle or motorcycle. Provided further, that if such citizen of another State shall remain in Texas longer than thirty days, he shall be required, and it shall be his duty, to apply and to receive from the State Highway Commission a seal bearing such identification as the Commission may require, for which seal a fee of one (\$1.00) dollar will be required.

Sec. 23. All funds coming into the hands of the Highway Commission, derived from the registration fees hereinbefore provided for, or from other

sources, as collected, shall be deposited with the State Treasurer to the credit of a special fund designated as "The State Highway Fund," and shall be paid out only on warrants issued by the State Comptroller's office upon vouchers drawn by the chairman of the Commission and approved by one other member of the Commission, such vouchers to be accompanied by an itemized sworn statement of the chairman of the Commission of expenditures, except when such vouchers are for the regular salaries of the Commission or its employees. The said State highway fund shall be expended by the State Highway Commission in the furtherance of public road construction and the establishment of a system of State highways as contemplated and set forth in this act; provided, that semi-annually on the 1st day of September and March, respectively, beginning with September 1, 1917, one-third of the gross collections of registration fees from all motor vehicles and motorcycles, received from the several counties of the State by the State Highway Department, as provided in this act, shall be remitted to the commissioners court in the counties from which collected; and provided further, that such allotment of registration fees to the counties shall constitute a special fund to be expended by the county road officials in the maintenance of the public roads of such counties, in accordance with plans approved by the State Highway Engineer.

Sec. 24. Any person owning and operating a motor vehicle or motorcycle on the public highways of this State after the taking effect of this act, without the number plates displayed thereon, in accordance with the requirements of this act, and anyone owning and operating a motor vehicle or motorcycle without the distinguishing seal provided by the department for each year, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten (\$10) dollars nor more than twenty-five (\$25) dollars for each violation, and each day such motor vehicle or motorcycle is operated upon the highways of the State in violation of the provisions of this act shall constitute a separate offense. Any person obtaining a distinguishing seal, as provided for herein from any source other than the State Highway Department or its authorized agents, or except as hereinbefore provided, or any person not authorized by the State Highway Department, who sells or offers to sell any seal in imitation of those furnished by the

State Highway Department, shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than twenty-five (\$25) dollars; provided, that all prosecutions under this act shall be in the county where such person may live or in which such person may operate such unnumbered or unmarked vehicle, or may sell, or offer for sale, such seals; and provided further, that all sums arising from the imposition and collection of fines under this act shall constitute a special maintenance fund to be expended upon the public roads of the respective counties where collected, under the supervision of the State Highway Engineer.

Sec. 25. The certificate of registration and numbering for purposes of identification, and the fees hereinbefore provided, for, shall be in lieu of all other similar registrations heretofore required by any county, municipality, or other political subdivision of the State, and no such registration fees or other like burdens shall be required of any owner of any motor vehicle or motorcycle by any county, municipality or other subdivision of the State.

Sec. 26. The sum of ten thousand (\$10,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of the general revenue of the State, not otherwise appropriated, to purchase the necessary office equipment, to provide the distinguishing seal herein required for motor vehicles and motorcycles for use on or before July 1, 1917, and to meet the general expenses of the said State Highway Department up to and including June 30, 1917; and such sum as may be so drawn from the State Treasury shall be repaid to the State from the collections of the first year.

Sec. 27. All laws and parts of laws in conflict with the provisions of this act are hereby repealed; and if any section, subdivision or clause of this act shall be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Sec. 28. The imperative need of measures calculated to secure greater efficiency and durability in public construction, and greater economy in the expenditure of the large sums of public funds annually employed in road work, and the fact that Texas has no highway department vested with power to encourage and direct the development of a system of State highways, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be

read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

(Mr. Fly in the chair.)

RECESS.

On motion of Mr. Cadenhead, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

HOUSE BILL NO. 2 ON ENGROSSMENT.

(Pending Business.)

The House resumed consideration of pending business, same being House bill No. 2, creating a State Highway Commission, on its passage to engrossment, with (committee) amendment, offered by Mr. Tillotson, pending.

(Mr. Spradley in the chair.)

On motion of Mr. Tillotson, the (committee) amendment was adopted in lieu of the original bill.

Mr. Tillotson offered the following amendments to the bill:

(1)

Amend House bill No. 2, page 20, Section 16, line 18, by adding at the end of the section the following: "Such motor vehicles as run upon rails or tracks shall not be subject to the provisions of this act."

(2)

Amend House bill No. 2, page 20, Section 17, line 40, by substituting the word "rear" for the word "front."

(3)

Amend House bill No. 2, page 23, line 31, by substituting the word "or" for the word "and" in said line.

The amendments were severally adopted.

On motion of Mr. Tillotson, it was agreed to consider the bill section by section.

Section 1 of the bill was adopted.

Mr. Cox offered the following amendment to Section 2 of the bill:

Amend House bill No. 2 by inserting after the word "commissioners" in lines 9 and 10, Section 2, the words "who shall be competent civil engineers."

Mr. Yantis offered the following amendment to the amendment:

Instead of the word "who" in the amendment insert "two of whom."

Mr. Cox accepted the amendment to the amendment.

On motion of Mr. Carlock, the amendment as amended was tabled.

Mr. Davis of Van Zandt offered the following amendment to Section 2 of the bill:

Amend House bill No. 2 so as to read:

"Sec. 2. The Governor shall, within sixty days after this act becomes effective, by and with the advice and consent of the Senate, appoint three citizens of the State as a Board of Highway Commissioners, hereinafter referred to as the State Highway Commission, or the Commission, who shall serve until the next general election, when said Commissioners shall be elected as other State officers."

On motion of Mr. Tillotson, the amendment was tabled.

Section 2 of the bill was then adopted.

Mr. Dodd offered the following amendment to Section 3 of the bill:

Amend House bill No. 2 by striking out all after the word "of" in line 23, page 14, and inserting the following: "Three thousand dollars (\$3000) per year."

Mr. Thomason of El Paso moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—54.

Beard of Milam.	Laas.
Beasley.	Laney.
Beason.	Lowe
Bell.	of McMullen.
Blackburn.	McComb.
Bland.	McCoy.
Bledsoe.	McFarland.
Bryan.	Martin.
Burton of Tarrant.	Mendell.
Butler.	Metcalf.
Carlock.	Moore.
Crudgington.	Morris.
De Bogory.	Nordhaus.
Dudley.	O'Brien.
Fairchild.	Pillow.
Fisher.	Pope.
Florer.	Richards.
Fly.	Schlesinger.
Greenwood.	Scholl.
Hardey.	Smith of Scurry.
Holland.	Spencer of Nolan.

Spradley.
Templeton.
Thomason
of El Paso.
Tillotson.
Tilson.
Valentine.
Wahrmund.

Walker.
Williams
of Brazoria.
Williams
of McLennan.
Wilson.
Woods.
Woodul.

Nays—60.

Bagby.
Baker.
Bertram.
Blackmon.
Blalock.
Boner.
Burton of Rusk.
Cadenhead.
Cope.
Cox.
Davis of Dallas.
Davis of Grimes.
Davis
of Van Zandt.
Dodd.
Dunnam.
Estes.
Fitzpatrick.
Hawkins.
Hudspeth.
Johnson.
Jones.
Lacey.
Lanier.
Lee.
McDowra.
McMillin.
Meador.
Murrell.
Neeley.
Neill.
Nichols.

O'Banion.
Osborne.
Parks.
Paddy.
Peyton.
Poage.
Raiden.
Rogers.
Russell.
Sackett.
Sallas.
Schlosshan.
Seawright.
Smith of Bastrop.
Smith of Hopkins.
Spencer of Wise.
Stewart.
Taylor.
Thomas.
Thompson
of Hunt.
Thompson
of Red River.
Tinner.
Traylor.
Tschoepe.
Upchurch.
Veatch.
White.
Williford.
Yantis.

Absent.

Beard of Harris.
Bedell.
Brown.
Bryant.
Canales.
Cates.
Denton.
Haidusek.
Harris.
Hartman.

Hill.
Lange.
Lindemann.
Miller of Austin.
Reeves.
Robertson.
Roemer.
Sentell.
Sholars.
Swope.

Absent—Excused.

Clark.
Low
of Washington.
Miller of Dallas.
Monday.

Strayhorn.
Terrell.
Thomason
of Nacogdoches.

Mr. Woods offered the following amendment to the amendment:

Amend amendment by striking out in line 23, page 14, the words: "Four

thousand," and figures "(\$4000)" and insert in lieu thereof the following words and figures: "Three thousand six hundred (\$3600)."

Mr. Dodd moved to table the amendment to the amendment, and the motion to table was lost.

(Speaker in the chair.)

Question recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was adopted by the following vote:

Yeas—97.

Bagby.	McFarland.
Baker.	McMillin.
Beard of Harris.	Martin.
Beard of Milam.	Mendell.
Beasley.	Metcalfe.
Beason.	Moore.
Bell.	Morris.
Blackburn.	Neeley.
Blalock.	Nichols.
Bland.	Nordhaus.
Bledsoe.	O'Brien.
Bryan.	Osborne.
Burton of Tarrant.	Parks.
Butler.	Paddy.
Canales.	Pillow.
Carlock.	Pope.
Cates.	Reeves.
Clark.	Richards.
Cope.	Robertson.
Crudgington.	Roemer.
Davis of Grimes.	Sackett.
De Bogory.	Schlesinger.
Dudley.	Scholl.
Dunnam.	Sholars.
Estes.	Smith of Bastrop.
Fairchild.	Smith of Scurry.
Fisher.	Spencer of Nolan.
Fitzpatrick.	Spradley.
Florer.	Stewart.
Fly.	Swope.
Greenwood.	Templeton.
Haidusek.	Thomas.
Hardey.	Thomason
Harris.	of El Paso.
Hawkins.	Thomason
Hill.	of Nacogdoches.
Holland.	Thompson
Hudspeth.	of Hunt.
Jones.	Thompson
Laas.	of Red River.
Lacey.	Tillotson.
Laney.	Tilson.
Lanier.	Tschoepe.
Lindemann.	Valentine.
Lowe	Wahrmund.
of McMullen.	Walker.
Low	White.
of Washington.	Williams
McComb.	of Brazoria.
McDowra.	

Williams
of McLennan.
Wilson.

Woods.
Woodul.
Yantis.

Nays—35.

Bedell.	O'Banion.
Bertram.	Peyton.
Blackmon.	Poage.
Boner.	Raiden.
Bryant.	Rogers.
Burton of Rusk.	Russell.
Cadenhead.	Sallas.
Cox.	Sentell.
Davis of Dallas.	Schlosshan.
Davis	Seawright.
of Van Zandt.	Smith of Hopkins.
Dodd.	Spencer of Wise.
Johnson.	Taylor.
Lee.	Tinner.
McCoy.	Trayler.
Meador.	Upchurch.
Murrell.	Veatch.
Neill.	Williford.

Absent.

Brown.	Lange.
Denton.	Miller of Austin.
Hartman.	

Absent—Excused.

Miller of Dallas.	Strayhorn.
Monday.	Terrell.

The amendment as amended was adopted.

Section 3 of the bill as amended was then adopted.

Section 4 of the bill was adopted.

Mr. Upchurch offered the following amendment to Section 5 of the bill:

Amend bill No. 2, page 15, line 20, after the word "Commission" by adding "not to exceed \$5000 per year."

Mr. Dodd offered the following amendment to the amendment:

Amend the amendment by striking out the words "\$5000" and inserting in lieu thereof "\$3600."

On motion of Mr. Carlock, the amendment to the amendment was tabled.

Question recurring on the amendment, it was lost.

Section 5 of the bill was then adopted.

Section 6 of the bill was adopted.

Mr. Moore offered the following amendment to Section 7 of the bill:

Amend House bill No. 2 by striking out all of Section 7 following the last word "and" in line 20, page 16.

On motion of Mr. Bland, the amendment was tabled.

Section 7 of the bill was then adopted.

Sections 8 and 9 of the bill were severally adopted.

Mr. Woods offered the following amendment to Section 10 of the bill:

Amend House bill No. 2 by striking out the word "six" in line 3 of page 17 and insert the word "twelve."

The amendment was adopted.

Section 10 of the bill as amended was then adopted.

Section 11 of the bill was adopted.

Mr. Woods offered the following amendment to Section 12 of the bill:

Amend Section 12 of House bill No. 2 by striking out the words beginning with the word "in," in line 32, page 18, and down to and including the word "year," line 40, page 18.

The amendment was lost.

Section 12 of the bill was then adopted.

Mr. Dodd offered the following amendment to Section 13 of the bill:

Amend by striking out Section 13.

Mr. Poage offered the following substitute for the amendment:

Amend House bill No. 2 by striking out all of lines 16, 17, 18, 19, and to and including the word "purposes," in line 20, Section 13 thereof, and inserting in lieu thereof the following:

"Section 13. The laboratories maintained at the Agricultural and Mechanical College of Texas and at the University of Texas shall be at the disposal and direction of the State Highway Engineer for the purpose of testing and analyzing road and bridge material, and it shall be the duty of those in charge of said laboratories to co-operate with and assist the State Highway Engineer to the end that the best interests of the State may be advanced in this connection."

Mr. Dodd accepted the substitute.

The amendment as substituted was then adopted.

Section 13 of the bill as amended was adopted.

Mr. Beason offered the following amendment to Section 14 of the bill:

Amend the printed bill, page 19, Section 14, line 29, by striking out the word "of" before the word "maintenance" and inserting the word "or" in lieu thereof.

The amendment was adopted.

Section 14 of the bill as amended was then adopted.

Section 15 of the bill was adopted.

Mr. Davis of Van Zandt offered the following amendment to Section 16 of the bill:

Amend Section 16, line 11, by striking out "thirty-five" and inserting "twenty-five."

Mr. Upchurch offered the following substitute for the amendment:

Amend page 20, line 11, by striking out the word "thirty-five" and inserting in lieu thereof the word "twenty."

Mr. Davis accepted the substitute.

On motion of Mr. Carlock, the amendment as substituted was tabled.

Pending—Consideration of Section 16 of the bill.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, January 31, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills:

S. B. No. 68, A bill to be entitled "An Act defining common carrier pipe lines engaged, or to engage in the transportation of petroleum oil; declaring all corporations, persons, partnerships, or associations of persons now engaged, or to hereafter engage in transporting petroleum oil from place to place in this State to be common carriers, declaring such common carriers to be public utilities and making them subject to the provisions of this act; giving the Railroad Commission of Texas the power to regulate the rate of such transportation by such common carriers; granting them the right to establish, maintain and operate telegraph and telephone lines upon their rights of way in connection with their business, and to build and maintain their lines under and across or along streams, highways, and streets as other common carriers within this State; and providing against discrimination in favor of or against individuals, associations of persons or corporations in the conduct of their business; requiring them to exchange tonnage with other common carriers, and to receive and transport petroleum oil tendered to them for transportation; empowering said Commission to make rules and regulations for their conduct; and to require the construction and maintenance by them of loading racks and transfer and delivery stations, and the transfer and delivery of petroleum from such common carrier to another, and to fix the charges therefor, and to define merchantable oil, and to fix the amount of deduction to be made therefrom on account of water and other foreign sub-

stances, and on account of evaporation and leakage, and giving said Commission plenary power to make rules and regulations for the control of such carriers, and power to enforce their rules and regulations and the provisions of this act; fixing penalties for the violation of this act, and the rules and orders of said Commission; making certain violations a criminal offense, and fixing the penalty therefor, and providing means for the recovery of such penalties as are not made criminal, either by the State of Texas or the party aggrieved by such violation, naming the tribunal in which such recovery may be had; providing for the employment of an expert to assist the Commission, fixing his salary and making an appropriation therefor; levying a tax to pay such salary and other expenses; repealing all laws in conflict with this act; providing that the invalidity of any part of this act shall not invalidate the remaining parts thereof, and declaring an emergency."

H. B. No. 163, A bill to be entitled "An Act creating and establishing Freeport Independent School District, in Brazoria county, Texas, defining and describing it by metes and bounds, providing for election of trustees therefor, providing for it to assume the outstanding indebtedness of Common School District No. 35 in said county, vesting in it the title to all school property of said Common School District No. 35, providing for the government thereof as under the general laws applicable to towns and villages incorporated for free school purposes only, and declaring an emergency."

H. B. No. 240, A bill to be entitled "An Act creating the Eighty-first Judicial District of Texas, to be composed of Falls county; prescribing the jurisdiction and fixing the times for holding court and empaneling grand juries in said district; providing for the completion by the judge of the Fifty-fourth Judicial District of such term of court as may be in session in said county as a part of said Fifty-fourth Judicial District at the time this act takes effect, providing for the appointment and tenure and fixing salary of a judge for said Eighty-first Judicial District; providing for the appointment of an official court reporter therefor; providing for the present district clerk of Falls county to be the clerk of the said Eighty-first District and continue to hold office for the term for which he was elected; provid-

ing for the trial and disposition by said Eighty-first district court of all business pending in said district court of Falls county at the time this act shall take effect, and for the return of all writs and process to and cognizance of all bonds and recognizances by said district court of Falls county as constituting the Eighty-first Judicial District, which shall have been issued, entered into, or filed in connection with any business of said Falls county district court prior to the taking effect of this act; repealing that part of Section 3 of Chapter 3 of the General Laws enacted by the Regular Session of the Thirty-fourth Legislature which constituted Falls county a part of the Fifty-fourth Judicial District, and that part of Section 8 of said act wherein it provides for the holding of court in Falls county as a part of said Fifty-fourth Judicial District, as well as repealing all other laws and parts of laws in conflict with this act, and declaring an emergency."

S. B. No. 83, A bill to be entitled "An Act to amend Article 1307, Chapter 24, Title 25, Revised Civil Statutes of 1911, as amended by Chapter 152 of the General Laws passed by the Thirty-fourth Legislature, approved April 7, 1915, relating to corporations formed for the purpose of storing, transporting, buying and selling oil and gas and other products, and declaring an emergency."

H. B. No. 269, A bill to be entitled "An Act creating the Odem Independent School District, known as Common School District No. 7 in San Patricio county, Texas, and declaring an emergency."

H. B. No. 292, A bill to be entitled "An Act creating and establishing Brazoria Independent School District in Brazoria county, Texas, defining and describing it by metes and bounds, providing for election of trustees therefor, providing for it to assume the outstanding indebtedness of Common School District No. 21 in said county, vesting in it the title to all school property of said Common School District No. 21, providing for the government thereof as under the general law applicable to towns and villages incorporated for free school purposes only, and declaring an emergency."

Respectfully,
JOHN D. McCALL,
Secretary of the Senate.

RECESS.

Mr. Nordhaus moved that the House recess until 9:30 o'clock a. m. tomorrow.

Mr. Raiden moved that the House recess until 10 o'clock a. m. tomorrow.

The motion of Mr. Raiden prevailed, and the House, accordingly, at 5:30 o'clock p. m., took recess until 10 o'clock a. m. tomorrow.

APPENDIX.

REPORTS OF COMMITTEE ON AGRICULTURE.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Agriculture, to whom was referred House bill No. 176, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. White has been appointed to make a full report thereon.

BELL, Chairman.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Agriculture, to whom was referred House bill No. 477, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Scholl has been appointed to make a full report thereon.

BELL, Chairman.

REPORTS OF COMMITTEE ON INSURANCE.

Committee Room,
Austin, Texas, January 30, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Insurance, to whom was referred House bill No. 5, have had the same under consideration and I am instructed to report it back to the House with the recommendation

that it do pass. Mr. Lacey has been appointed to make a full report thereon.

PILLOW, Chairman.

Committee Room,

Austin, Texas January 31, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Insurance, to whom was referred House bill No. 499, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Richards has been appointed to make a full report thereon.

PILLOW, Chairman.

REPORTS OF COMMITTEE ON MUNICIPAL CORPORATIONS.

Committee Room,

Austin, Texas, January 30, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Municipal Corporations, to whom was referred House bill No. 489, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass with amendments. Mr. Florer has been appointed to make a full report thereon.

MENDELL, Chairman.

Committee Room,

Austin, Texas, January 30, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Municipal Corporations, to whom was referred House bill No. 460, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Laney has been appointed to make a full report thereon.

MENDELL, Chairman.

REPORT OF COMMITTEE ON PUBLIC HEALTH.

Committee Room,

Austin, Texas, January 30, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Public Health, to whom was referred House bill No. 30, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass with committee amendment. Mr. Mendell has

been appointed to make a full report thereon. Mr. Roemer and Mr. Walker gave notice of minority report.

DAVIS of Grimes, Chairman.

REPORTS OF COMMITTEE ON ROADS, BRIDGES AND FERRIES.

Committee Room,

Austin, Texas, January 31, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 152, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass with amendments. Mr. Fairchild has been appointed to make a full report thereon.

BLAND, Chairman.

Committee Room,

Austin, Texas, January 31, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 487, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Fairchild has been appointed to make a full report thereon.

BLAND, Chairman.

EIGHTEENTH DAY.

(Continued.)

(Thursday, February 1, 1917.)

The House met at 10 o'clock a. m. and was called to order by the Speaker.

HOUSE BILL NO. 2 ON ENGROSSMENT.

(Pending Business.)

The House resumed consideration of pending business, same being House bill No. 2, creating a State Highway Commission, on its passage to engrossment; the House considering the bill section by section, and Section 16 of the bill being under consideration.

Mr. Woods offered the following amendment to Section 16 of the bill:

Amend House bill No. 2, Section 16, by striking out the words beginning with the word "thirty," in line 11, page 20, down to and including the figures